

MINUTES  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, June 1, 2006

Division One

**A110383 – Michael Lund v. San Francisco Civil Service Commission et al.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Three

**A111033 – In re Julia L., a Person Coming Under the Juvenile Court Law.  
Alameda County Social Services Agency v. Robert L.**

The orders denying modification and terminating parental rights are affirmed. Siggins, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

Division Five

**A109365 – Keegan and Coppin Company, Inc. v. Kenneth Magee et al.**

The order awarding attorney fees is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

**A108653 – Keegan & Coppin Company, Inc. v. Kenneth Magee et al.**

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

Friday, June 2, 2006

Division One

**A110808 – The People v. Bess Yolanda McClain.**

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Four

**A108853 – The People v. Latasha Ann Brown.**

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

Monday, June 5, 2006

Division Three

**A109670 – The People v. Curt Mayer.**

By the Court: Good cause appearing, defendant's unopposed motion to stay issuance of the remittitur in the above-referenced matter is granted. The clerk of this court is directed to reissue and refile the opinion of this court originally filed on March 23, 2006 to enable counsel to file a timely petition for review in the California Supreme Court. Thereafter, the remittitur shall issue in accordance with rule 26 of the California Rules of Court. McGuiness, P.J.

Division Five

**A111273 – In re Aryanna C., a Person Coming Under the Juvenile Court Law. San Mateo County Social Services Agency v. Linda T.**

The appeal is dismissed for lack of standing. Gemello, J. We Concur: Simons, J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, June 6, 2006

Division One

**A110638 – Columbus James v. Berkeley Farms, Inc. et al.**

The judgment is affirmed. Respondents are awarded their costs on appeal. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

**A107886 and A109309 – Albert Lee v. Roland Lie, et al.**

By the Court: The petition for rehearing is denied. Stein, Acting P.J.

Division Four

**A110356 – The People v. Jose L. Fuentes.**

The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication)

Wednesday, June 7, 2006

Division One

**A109322 – The People v. Lemanuel C.**

By the Court: The petition for rehearing is denied. Stein, Acting P.J.

Division Two

**A108951 – Tracey Buel v. Chowder House, Inc.**

The judgment is affirmed. Buel shall pay defendants' costs on appeal. Busch, J.\* We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

**A107624 – The People v. James Toures Barlow.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.\* (Not for Publication)

**A110459 – The People v. Danny Reuben Kerbs.**

The trial court's order is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

**A111794 – The People v. Robert Martinez.**

Based on the above, therefore, the judgment is modified as follows: Defendant shall serve an aggregate sentence of four years for the Solano conviction of Penal Code section 245, and a subordinate term of eight months for the Tulare conviction of Penal Code 12020, to be served consecutively. A second term of eight months for the Tulare conviction of Penal Code section 12316 shall be served concurrently. Defendant is entitled to have 20 days of custody credits added to the 141 days awarded at the time the Tulare County sentences were imposed. As so modified, the judgment is affirmed. The clerk of the Solano Superior Court is directed to prepare an amended abstract reflecting these modifications, and covering both Solano County action No. FCR201593 and Tulare County action No. VCF138912, and to forward a certified copy to the Department of Corrections. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

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\* Judge of the Superior Court of San Francisco County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

\* Presiding Justice of the Court of Appeal, First Appellate

Wednesday, June 7, 2006 (continued)

Division Three

**A107588 – Richard Seeley v. Fox Partners, L.P. et al.**

The Court: The petition for rehearing is denied. McGuiness, P.J.

STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, June 7, 2006

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Parrilli, J, and Pollak, J.; and B. Robbins, Deputy Clerk.

A104267 Karen Walker, et al.,  
v.

William Miles, et al.

Cause called and argued by Harry C. Gilbert, counsel for appellants, and Karen Walker, respondent in pro per. Cause ordered submitted.

At this point in the proceedings, Justice Pollak left the bench and Justice Siggins joined the bench.

A105429 Greta Weaver, et al.,  
v.

Robert P. Wigder, et al.

Cause called and argued by Ismael D. Perez, counsel for appellants, and Brian J. Hannon, counsel for respondent. Cause ordered submitted.

A110973 Employers Insurance Company of Wausau,  
v.

The Travelers Indemnity Company, et al.

Cause called and argued by John M. Ross, counsel for appellants, and Bryan M. Barber, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, June 7, 2006

Court re-convened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Pollak, J., and Siggins, J.; and B. Robbins, Deputy Clerk.

A110952     Josie Reynolds,  
                 v.  
                 Cornerstone Staffing Solutions, Inc.  
Cause called and argued by , counsel for appellants, and , counsel for respondent.  
Cause ordered submitted.

A112139     In re the Marriage of Baccari  
                 Gianluca Baccari,  
                 v.  
                 Gloria Durand Baccari.  
Cause called and argued by , counsel for appellant, and , counsel for respondent.  
Cause ordered submitted.

At this point in the proceedings, Presiding Justice McGuiness left the bench. Justice Parrilli joined the bench and presided over the remainder of the afternoon calendar.



A110231     The People,  
              v.  
              Antonio Trejo.  
Cause called and argued by , counsel for appellant, and , counsel for respondent.  
Cause ordered submitted.

A108732     The People,  
              v.  
              April Lynn Mendivil.  
Cause called and argued by , counsel for appellant, and , counsel for respondent.  
Cause ordered submitted.

Court adjourned.

Wednesday, June 7, 2006 (continued)

Division Four

**A111295 – In re J.V. et al., Persons Coming Under the Juvenile Court Law.  
Alameda County Social Services Agency v. I.V. et al.**

The order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

**A110562 – In re Willie P. et al., Persons Coming Under the Juvenile Court Law.  
San Francisco Human Services Agency v. Felicia F.**

The jurisdictional order is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

Thursday, June 8, 2006

Division One

**A112000 – The People v. Eric Robinson.**

The judgment in case No. CH36820 is affirmed. The judgment in case No. 133300 is modified to impose a restitution fund fine of \$200 under section 1202.4, subdivision (b), and a parole restitution fine of \$200 under section 1202.45, and, as so modified, the judgment is affirmed. The trial court is directed to prepare and amended abstract of judgment reflecting these modifications, and forward it to the Department of Corrections. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication)

Division Two

**A110792 – Danny Nabors v. Workers’ Compensation Appeals Board, Piedmont Lumber Co., et al.**

The Board’s opinion and decision after reconsideration is annulled, and the matter returned to the Board with directions to reverse the WCJ’s order and recalculate the amount of Nabors’s permanent disability benefits in accordance with this opinion. Kline, P.J. We Concur: Lambden, J., Richman, J. (Certified for Publication)

**A111005 – The People v. Kenneth A. Jorgensen.**

The judgment is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

**A112869 – Alexander Djordjevic v. Terry Ring, Jr., et al.**

The appeal is dismissed. Haerle, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

**A111382 – The People v. Roberto Puga.**

Our independent review of the record reveals no arguable issues, and the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

**A110628 – Viacom Outdoor, Inc. v. City of Arcata et al.**

The judgment is reversed. Busch, J.\* We Concur: Kline, P.J., Lambden, J. (Certified for Publication)

**A110813 – The People v. Victor M. Mejia.**

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

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\* Judge of the Superior Court of San Francisco County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, June 9, 2006

Division Two

**A109822 – The People v. William Michael Christman.**

**A113713 – In re William Michael Christman, on Habeas Corpus.**

The judgment is affirmed and the petition for writ of habeas corpus is denied. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Three

**A108732 – The People v. April Lynn Mendivil.**

**A111932 – In re April Lynn Mendivil, on Habeas Corpus.**

The judgment is affirmed. The petition for writ of habeas corpus is denied. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

Division Four

**A111044 – Murray N. Hutchison v. Sidney Corrie, Jr., as Trustee etc.**

The judgment is affirmed. Hutchison shall recover his costs on appeal. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication)

Friday, June 9, 2006 (continued)

Division Five

**A110439 – In re the Marriage of Marem E. Otiniano and Stillman A. Bowden III.  
Marem E. Otiniano v. Stillman A. Bowden III.**

The judgment is reversed and remanded. Each party shall bear its own costs. Reardon, J.\* We Concur: Simons, Acting P.J., Gemello, J. (Not for Publication)

**A108415 – Jose Vilorio v. Hayward Toyota.**

The postjudgment order on fees and costs is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

**A112124 – Jamshid Zarringhalam v. Vahid Khalili et al.**

The October 5, 2005 order setting aside the original judgment and entering the first amended judgment is affirmed. Gemello, J. We Concur: Simons, J., Reardon, J.\* (Not for Publication)

**A108213 – Charisma R. v. Kristina S.**

The judgment of the trial court is reversed and the matter is remanded for further proceedings consistent with this opinion. Petitioner is awarded costs. Gemello, J. We Concur: Jones, P.J., Reardon, J.\* (Certified for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, June 12, 2006

Division Two

**A111759 – In re Ronald A., a Person Coming Under the Juvenile Court Law. The People v. Ronald A.**

The jurisdictional and disposition orders are affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

Division Three

**A113558 – Nora O. v. The Superior Court of Contra Costa County; Contra Costa County Children & Family Services Bureau et al, R.P.I.**

The petition for extraordinary relief is denied. Since the permanency planning hearing is set for July 10, 2006, our decision is immediately final as to this court. (Cal. Rules of Court, rule 24(d).) Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication)

Division Five

**A111428 – Bruce Kuhlman v. The New Santana Band, Inc., et al.**

The order denying defendants' motion to compel arbitration is affirmed. Simons, J. We Concur: Jones, P.J., Reardon, J.\* (Not for Publication)

**A113616 and A113617 – In re Geremiah S., a Person Coming Under the Juvenile Court Law. William S. & Katherine C. v. Humboldt County Superior Court; Humboldt County Department of Health & Human Services, Social Services Branch, R.P.I.**

The writ petitions are denied. Gemello, J. We Concur: Jones, P.J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, June 13, 2006

Division One

**A110016 – The People v. Michael Izell Seals.**

The judgment of the trial court is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

**A109345 – Pier 39 Limited Partnership v. Flags & Things Enterprises, Inc.**

The trial court's award of damages to Pier 39 on its cross-complaint is affirmed. The trial court's rulings on demurrer and motion to strike regarding Flags's cause of action for a violation of section 17200 are reversed to the extent they found that Flags failed to plead a claim for unfair business practices in the amended cross-complaint or narrowed the stated claim. Further, the trial court's adverse judgment on Flags's claim for breach of the implied covenant of good faith and fair dealing is vacated. The matter is remanded to the trial court for further proceedings consistent with this decision on Flags's claim for breach of the implied covenant of good faith and fair dealing and unfair business practices. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

Division Two

**A108619 – James Perry et al., v. East Bay Regional Park District et al.**

The judgment is affirmed. Costs on appeal are awarded to defendants. Kline, P.J. We Concur: Lambden, J., Busch, J.\* (Not for Publication)

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\* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Tuesday, June 13, 2006

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Richman, J., Officer Ching and I. Santos, Deputy Clerk.

A110673      In re Jonathan S., a Person Coming Under the Juvenile Court Law.  
The People,  
v.  
Jonathan S.  
Cause called and argued by Jenny Huang, counsel for appellant, and Michael Banister, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A112185      Tilton Family Trust,  
v.  
Reclamation District No. 800 et al.  
Cause called and argued by Garret Murai, counsel for appellant, and Debbie Vorous, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, J. Haerle left the bench and J. Lambden joins the bench for the remainder of the calendar.

A109477      Daniel Levin,  
v.  
Janie Lee Ligon et al.  
Cause called and argued by Anne Thorkelson, counsel for appellant, and Timothy Halloran, counsel for respondent. Cause ordered submitted.

A110940      Joe Abouab et al.,  
v.  
City and County of San Francisco et al.  
Cause called and argued by Wayne Lesser and Michael Mendelson, counsel for appellants, and Owen Clements, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P.J., Haerle, J. Lambden, J.,



Officer Umeki and I. Santos, Deputy Clerk.

A111672 Kevin Smith et al.,  
v.  
Joanne Hayes-White et al.  
Cause called and argued by Daniel Siegel, counsel for appellant, and Lawrence Hecimovich, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, P.J. Kline left the bench and J. Richman joins the bench for the remainder of the calendar.

A110971 In re the Estate of Ida M. Terry, Deceased.  
Mavina Chess,  
v.  
Robbi Stovall.  
Cause called and argued by Hugo Torbet, counsel for appellant, and Charles Triay, counsel for respondent. Cause ordered submitted.

**COURT ADJOURNED.**

Tuesday, June 13, 2006 (continued)

Division Three

**A109361 – The People v. Javier Chavez Zaragoza.**

The two-year enhancement imposed pursuant to section 12021.5, subdivision (a) is stricken. The judgment is other affirmed. The trial court is directed to forward a corrected abstract of judgment to the Department of Corrections. Siggins, J. We Concur: Parrilli, Acting P.J., Pollak, J. (Not for Publication)

**A112139 – In re the Marriage of Gianluca Baccari and Gloria Durand Baccari.  
Gianluca Baccari v. Gloria Durand Baccari.**

The order is affirmed. Gianluca Baccari is to recover his costs on appeal. Pollak, J. We Concur: McGuinness, P.J., Siggins, J. (Not for Publication)

Division Four

**A111659 – In re Eduardo S., a Person Coming Under the Juvenile Court Law.  
Alameda County Social Services Agency v. Juliette S.**

The orders of the juvenile court denying Mother's application for rehearing and terminating her parental rights are affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

Wednesday, June 14, 2006

Division Two

**A109451 – Conservatorship of the Person and Estate of Marie B. Hopkins. Linda L. Kretz, as Conservator, etc. v. Jeffrey C. Baker.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Busch, J.\* (Not for Publication)

Division Three

**A105429 – Greta Weaver et al. v. Robert P. Wigder et al.**

The judgment is reversed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

**A110231 – The People v. Antonio Trejo.**

The judgment is affirmed. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

Division Four

**A112252 – In re Steven M., a Person Coming Under the Juvenile Court Law. The People v. Steven M.**

We find no abuse of discretion and affirm the juvenile court's order committing the minor to CYA. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

**A110297 – The People v. Robert Lamar Ball.**

Appellant's misdemeanor assault conviction is reversed. The six-month concurrent sentence imposed by the trial court for appellant's conviction for misdemeanor battery is stayed, with the stay to become permanent upon completion of the sentence for the felony assault (§ 245.2). (*People v. Austin* (1994) 23 Cal.App.4<sup>th</sup> 1596, 1614.) In all other aspects, the judgment is affirmed. Ruvalo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

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\* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, June 15, 2006

Division One

**A110345 – The People v. Corey Lynn Martin.**

The conditions of probation are modified to delete the requirement to pay the costs of preparation of the presentence report and of probation supervision, but the order that defendant pay such costs is affirmed as a separate order. As modified, the judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

**A110985 – June Cumali, et al. v. City and County of San Francisco Residential Rent Stabilization and Arbitration Board.**

By the Court: The petition for rehearing is denied. Marchiano, P.J.

**A111396 – Shopoff & Cavallo LLP et al. v. Junho Hyon; Laurence Colangelo et al.**

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondents. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

**A111687 – The People v. Anthony Green.**

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Three

**A109935 – In re Kent T., a Person Coming Under the Juvenile Court Law. The People v. Kent T.**

**A113158 – In re Kent T., on Habeas Corpus.**

The juvenile court's March 9, 2005 order is affirmed. The petition for a writ of habeas corpus is denied. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

**A106140 – The People v. Averill Briggs.**

The judgment is affirmed. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

Division Four

**A108980 and A111661 – In re Wesley R., a Person Coming Under the Juvenile Court Law. San Francisco Department of Human Resources v. M.R.**

The orders are affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication)

Thursday, June 15, 2006 (continued)

Division Five

**A110344 – The People v. Armando Granados.**

The trial court's order dismissing the charges against defendant is reversed. Gemello, J.  
We Concur: Jones, P.J., Simons, J. (Not for Publication)

**MINUTES**  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FIVE

June 15, 2006

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Simons, J., Gemello, J., Reardon, J., by appointment of the Chief Justice, Mary P. Quilez, Deputy Clerk and CHP Officer Aron Ching and Stephen Umeki, Bailiffs.

- A112761      Robert Carpenter  
                 v.  
                 Superior Court;  
                 Yamaha Motor Corporation.  
Cause called and argued by Quinton Blair Cutlip, counsel for petitioner and by Christine Starkie, counsel for real party in interest. Cause ordered submitted.
- A108735      People  
                 v.  
                 Travall Brown.  
Cause called and argued by Michael Romano, counsel for appellant, and by David M. Baskind, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A112264      Celestine Hardy  
                 v.  
                 Dorothy Elliott, et al.  
Cause called and argued by Alan Spanier and Richard Ferguson, counsel for appellant, and by Marguerite M. Malloy, counsel for respondent. Cause ordered submitted.
- A110341      Wilson & Wilson  
                 v.  
                 Council of Redwood City, et al.  
Cause called and argued by Iris Ping Yang, counsel for appellant and by Donald A. Wilson and John Hartford, counsel for respondent. Cause ordered submitted.
- A107718      Catherine Powell  
                 v.

Roger Powell.

Cause called and argued by Ann Van De Pol and Eugene Schneider, counsel for appellant, and by Daniel E. Preddy, counsel for respondent. Cause ordered submitted.

A110821 Nita L. Bartow

v.

Lawrence A. Bartow

Cause called and argued by Matthew Sheasby, counsel for appellant and by Dan G. Ryan, counsel for respondent. Cause ordered submitted.

A111569 Matthew Allen Bowen

v.

Linuxcare, Inc., et al.

Cause called and argued by T. Scott Tate, counsel for appellant, and by James A. Lassart and George Harris, counsel for respondent. Cause ordered submitted.

A111059 Frog Creek Partners

v.

Vance Brown.

Cause called and argued by Gregg Neal Dulik, counsel for appellant and by Peter M. Rehon, counsel for respondent. Cause ordered submitted.

Court adjourned at 3:00 p.m.

Friday, June 16, 2006

Division One

**A109994 – The People v. Vontino Alexander.**

The case is remanded to the superior court with directions to modify the abstract of judgment to award defendant prejudgment credits in case No. 144089 in accordance with our opinion. In all other respects the judgments are affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

**A109438 – North Gualala Water Company v. State Water Resources Control Board.**

Order Modifying Opinion and Denying Rehearing and no change in judgment. The Court: It is ordered that the opinion filed herein on May 31, 2006, be modified as follows: (See Order) There is no change in the judgment. Appellant's petition for rehearing is denied. Marchiano, P.J. (Certified for Publication)

**A112110 – The People v. Raymond A. Bradford.**

The appeal is dismissed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

**A110474 – The People v. Kenneth Ray Byrd.**

By the Court: The petition for rehearing is denied. Marchiano, P.J.

**A110678 – In re Shelly S. et al., Persons Coming Under the Juvenile Court Law. Solano County Health and Social Services Department v. Joseph S.**

The orders terminating reunification services and transferring this matter to Butte County are reversed for the sole and limited purpose of enabling a remand to the juvenile court for proper notice to the tribes under ICWA. If after proper notice no tribe intervenes, the juvenile court shall reinstate the termination and transfer orders. This remand, by itself, shall have no effect on any issue regarding the custody or placement of Shelly and Stephanie, or any issue in the proceedings other than the sufficiency of notice. We direct the juvenile court to comply with this remand within the earliest possible time. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)



Friday, June 16, 2006 (continued)

Division Two

**A113555 – J.B. v. Contra Costa County Superior Court; Contra Costa County Children and Family Services Agency, R.P.I.**

The petition is denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4<sup>th</sup> 888 [barring subsequent challenges by appeal]; § 366.26, subd. (l)(1).) Given the need to proceed promptly with the .26 hearing set for July 5, 2006, our decision is final as to this court immediately. (rule 24(b)(3)). Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

Division Three

**A110973 – Employers Insurance Company of Wausau v. The Travelers Indemnity Company et al.**

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Division Four

**A107796 – The People v. Begoia Ray Morgande.**

By the Court: The petition for rehearing is denied. Ruvolo, P.J.

**A109080 – The People v. Elnorris Abraham Stone.**

The judgment is modified to clarify that appellant shall receive credit against his obligation to pay direct victim restitution for any payments actually collected from his former codefendant, Romeo Yarborough, on account of the same losses. The trial court is directed to amend the abstracts of judgment to reflect this modification and to forward certified copies of the amended abstracts to the Department of Corrections. (§§ 1213, 1216.) In all other respects, the judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

Monday, June 19, 2006

Division One

**A108816 – Dylan Paton, et al. v. Cingular Wireless.**

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

**A109493 – Deborah Friend v. Michael Schierman.**

The order is affirmed. Respondent is awarded his costs in connection with this appeal. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

Division Three

**A108977 and A111709 – In re Curtis C., a Person Coming Under the Juvenile Court Law. The People v. Curtis C.**

**In re Curtis C., on Habeas Corpus.**

The dispositional order of the juvenile court is reversed in part. On remand, the juvenile court is directed to correct the CYA commitment form to reflect appellant's misdemeanor violation of Vehicle Code section 2800.2, to indicate that appellant has exceptional educational needs, and to reflect whether appellant has been prescribed psychotropic medication. The juvenile court shall also exercise its discretion pursuant to Welfare and Institutions Code section 731, subdivision (b), in setting appellant's maximum term of confinement. In all other respects, the dispositional order is affirmed. The petition for writ of habeas corpus is denied. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

**A104267 – Karen Walker v. William “Chipman” Miles, et al.**

The judgment filed on August 6, 2003, is affirmed. The appeal from the July 2, 2003, order denying appellants' motion for judgment notwithstanding the verdict is dismissed. Respondent is awarded costs. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

**A113124 – The People v. Solomone M. Ngaue.**

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Monday, June 19, 2006 (continued)

Division Five

**A111911 – In re David L., a Person Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services v. Shelley B.**

The judgment is affirmed. Reardon, J.\* We Concur: Simons, Acting P.J., Gemello, J.  
(Not for Publication)

**A110901 – In re Peter L., Jr., et al., Persons Coming Under the Juvenile Court Law. Sonoma County Human Services Department v. Peter L.**

The judgment is reversed and remanded for proper notification under ICWA and further proceedings. We need not address appellant's additional claim. Reardon, J.\* We Concur: Jones, P.J., Simons, J. (Not for Publication)

**A110171 – Thomas Mahon v. County of San Mateo et al.**

Order Modifying Opinion and no change in judgment. The Court: It is ordered that the opinion filed herein on May 18, 2006, be modified as follows: (See Order) There is no change in the judgment. Jones, P.J. (Certified for Publication)

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\* Judge of the Superior Court of Alameda, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

\* Judge of the Superior Court of Alameda, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, June 20, 2006

Division One

**A112103 – Ohene Boakye-Yiadom v. State of California et al.**

The appeal is dismissed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Four

**A110476 – The People v. Marcellus Franklin Ducreay.**

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

Tuesday, June 20, 2006

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Sepulveda, J., and Rivera, J.; Ines Calanoc, Deputy Clerk; CHP Officer Aron Ching, Bailiff.

A109929      In re Michael C., a Person Coming Under the Juvenile Court Law.

The People

v.

Michael C.

Cause called. Thea Greenhalgh argued for appellant Michael C. Michael Allen argued for respondent. Cause submitted.

A110200      Hanson-Briggs Law Group,  
v.  
Lincoln D. Finley Jr.

A110263      Raymond Cote,  
v.  
Latonya R. Finley.

A110270      Raymond Cote,  
v.  
Lincoln D. Finley, Jr.

Cause called. Melanie Popper argued for appellants Lincoln Finley and Latonya Finley. Thomas Eastridge argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Rivera, J.

A110105      Linh Dao et al.,  
v.  
Washington Township Healthcare District et al.  
Cause called. Appellant in pro per Linh Dao argued. Lisa Ungerer, Christine Meade and W. David Walker argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Sepulveda, J.

A112262      Auburn Hatcher et al.,  
v.  
Ford Motor Company et al.  
Cause called. Phillip Harley argued for appellants Auburn Hatcher et al. Marytza Mendizabal and Christopher Wood argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A112176      Linda De Maria etc. et al.,  
v.  
American Hawaiian Steamship Company.  
Cause called. Nancy Thorington argued for appellant Linda De Maria etc., et al. William Armstrong argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Kay, Assigned Justice.

A097996      The People  
v.  
Vance Larcell Rider.  
Cause called. Richard Such argued for appellant Vance Rider. Jill Thayer argued for respondent. Cause submitted.

COURT ADJOURNED AT 11:27 A.M.

Wednesday, June 21, 2006

Division Two

**A112219 – The People v. Ahmad Sibley.**

Appellant was represented by able counsel throughout the proceedings. There was no sentencing error. There are no legal issues that require further briefing. The order revoking appellant's probation and sentence imposed are affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

**A111403 – The People v. Eric Taylor Williams.**

Appellant, whose mental competence is not in question, was represented by able counsel at every stage of the trial proceedings. There was no sentencing error. There are no legal issues that require further briefing. The judgment and sentence imposed are affirmed. Kline, P.J. we Concur: Haerle, J., Lambden, J. (Not for Publication)

**A107949 – The People v. Ismael Tovar Carranza.**

The restitution order is stricken and the matter is remanded to the trial court with directions to prepare an amended abstract of judgment that omits the restitution order, and that reflects the terms for the gun use enhancement to counts one and two are to run concurrent to the term on count one, and to serve a certified copy of the amended abstract of judgment on the California Department of Corrections. In all other respects, the judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

**A110358 – The People v. William D. McCann.**

Order Modifying Opinion and Denying Rehearing and no change in judgment. The Court: It is ordered that the nonpublished opinion filed herein on May 22, 2006, be modified as follows: (See Order) There is no change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication)

**A110934 – The People v. Garfield Magpie.**

The order of commitment is affirmed. Richman, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

**A110971 – Estate of Ida M. Terry, Deceased. Mavina Chess v. Robbi Stovall.**

The judgment is affirmed. Stovall is awarded the costs of appeal. Lambden, J. We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication)

**A113445 – Javier B. v. The Superior Court of Contra Costa County; Contra Costa County Children and Family Services Bureau, R.P.I.**

The petition for extraordinary writ is denied on the merits. (§ 366.26, subd. (1)(1)(C); Cal Rules of Court, rule 38,1 (h)(1); In re Julie S. (1996) 48 Cal.App.4<sup>th</sup> 988, 990-991.) Our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

Thursday, June 22, 2006

Division One

**A110584 – The People v. Trent Albert Foster.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

**A112060 – The People v. Eduardo Tuyub.**

We find no arguable issues that require further briefing and accordingly, affirm the judgment. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)



CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, June 22, 2006

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Stein, Acting P.J., Swager, J. and Margulies, J.; and Fred Abad, Deputy Clerk.

- A110462      In re Tony L.  
People,  
v.  
Tony L.  
Cause called and argued by Katharine Demgen, counsel for appellant, and Morris Lenk, counsel for respondent. Cause ordered submitted.
- A110124      People,  
v.  
Clifton J. Terrell, Jr.  
Cause called and argued by Victor Morse, counsel appellant, and Joan Killeen, counsel for respondent. Cause ordered submitted.
- A111474      Harold Rucker,  
v.  
Titus Rucker.  
Cause called and argued by Harold Rucker, appellant in propria persona, and Maria Yuen, counsel for respondent. Appellant suffered a medical problem during his argument and Justice Stein suspended argument until appellant is able to continued. Argument resumed after the next case was submitted. Cause ordered submitted.
- A109963      Stephen Krivy,  
v.  
Albert Krivy.  
Cause called and argued by William Bergen, counsel for appellant, and Janet Boessenecker, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, June 22, 2006

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J. and Swager, J., and F. Abad, Deputy Clerk.

- A110410      In re Adam G.  
Social Services Agency,  
v.  
Zita G.  
Cause called and argued by Marcus Merchasin, counsel for appellant Rosario G., and Eugene Whitlock, counsel for respondent. Cause ordered submitted.
- A111831      Ronald Stone,  
A112622      v.  
Jason Perkins.  
Cause called and argued by Frank McKeown, counsel for appellant, and John Gulick, counsel for respondent. Cause ordered submitted.
- A111046      Marcus A. Jackson,  
v.  
Elizabeth Lee.  
Cause called and argued by Colleen O'Brien, counsel for appellant, and Patrick Petzel, counsel for respondent. Cause ordered submitted.

Court adjourned until Friday, June 23, 2006 at 9:00 a.m.

Thursday, June 22, 2006 (continued)

Division Two

**A108942 – The People v. Edwin F. Valencia.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J.  
(Not for Publication)

Division Three

**A105870 and A107142 – Mary Glesmann et al., v. Rita Saenz, as Director, etc., et al.**

**A105364 – Jane Doe et al., v. Rita Saenz, as Director, etc., et al.**

The judgment is affirmed. All parties shall bear their own costs on appeal. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Certified for Publication)

**A112375 – In re Alec O. et al., Persons Coming Under the Juvenile Court Law. Mendocino County Department of Social Services v. Melinda O.**

The jurisdictional order is affirmed. The dispositional order is reversed insofar as it orders out-of-home placement for the children and is affirmed in all other respects. The matter is remanded to the juvenile court with directions to order the department to comply with the ICWA notice requirements in accordance with this opinion, and to determine whether the ICWA applies to these proceedings. If the court determines that the ICWA does apply, it shall conduct a new disposition hearing in accordance with the requirements of the ICWA. If the court determines that the ICWA does not apply, it shall reinstate its prior disposition order. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Division Four

**A112243 – The People v. Charles Hogg.**

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J.  
(Not for Publication)

Division Five

**A108213 – Charisma R. v. Kristina S.**

By the Court: The opinion filed June 9, 2006 is modified as follows: (See Order) The modification does not affect the judgment. Jones, P.J. (Certified for Publication)

Friday, June 23, 2006

Division One

**A109342 – The People v. Antwan Travis.**

Order Denying Rehearing. The Court: The petition for rehearing is denied. Marchiano, P.J.

**A112451 – The People v. Jessie Raymond Garcia.**

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Friday, June 23, 2006

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Margulies, J., and P. Aguilar, Deputy Clerk.

A110753      In re Alex W.  
People,  
v.  
Alex W.

Cause called and argued by Gene Vorobyov, counsel for appellant, and Morris Lenk, counsel for respondent. Cause ordered submitted.

Friday, June 23, 2006 (continued)

Division Two

**A110776 – The People v. Jason Anthony Martin.**

The judgments in both cases are vacated and the cases remanded to the trial court for recomputation of the relevant fees and fines and correction of the abstracts of judgment to reflect those recomputations. Haerle, Acting P.J. We Concur: Lambden, J., Busch, J.\* (Not for Publication)

Division Three

**A108344 – The People v. Leland James Ranft.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication)

**A111429 – The People v. Jaime Moreno Rocha.**

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication)

**A111284 – In re Jeffrey T., a Person Coming Under the Juvenile Court Law. The People v. Jeffrey T.**

The order denying appellant's motion to seal his juvenile records in this matter is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Certified for Publication)

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\* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, June 23, 2006 (continued)

Division Four

**A111200 – The People v. Siebie Steel.**

The sentence imposed by the trial court is reversed, and this case is remanded for resentencing consistent with this opinion. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

**A108975 – The People v. Bobby T. McHenry.**

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

**A110105 – Linh Dao et al., v. Washington Township Health Care District et al.**

The summary judgment in favor of respondents is affirmed. Reardon, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication)

Monday, June 26, 2006

Division One

**A110478 – The People v. James Edward Topper.**

The judgment and sentence are affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

**A112645 – The People v. Michael Cameron Grant.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

**A112456 – The People v. Kalolaine L. Teaupa.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

**A111867 – The People v. Willard Dale Williams.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication)

Division Two

**A111374 – The People v. Billy Cunningham.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Busch, J.\* (Not for Publication)

Division Three

**A109447 – The People v. Oscar Emilio Samayoa.**

The judgment is reversed and the case remanded. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

**A111323 – The People v. Shane Fournier.**

The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

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\* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



Monday, June 26, 2006 (continued)

Division Four

**A111473 – John Azevedo et al., v. Bonds Land Investment Co., LTD., et al.**

The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

**A108446 – Kamlesh Banga et al., v. World Savings & Loan Association.**

By the Court: The petition for rehearing is denied. Ruvolo, P.J.

**A110297 – The People v. Robert Lamar Ball.**

By the Court: The petition for rehearing is denied. Ruvolo, P.J.

Division Five

**A113113 – The People v. Demario Holmes.**

The judgment is affirmed. Reardon, J.\* We Concur: Jones, P.J., Simons, J. (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, June 27, 2006

Division One

**A109963 – Stephen Krivy v. Albert Krivy, as Trustee, etc.**

The trial court's approval of trustee's fees is vacated, and the matter is remanded for the taking of further evidence regarding the proper amount of trustee's fees. The order of the trial court is otherwise affirmed. The parties shall bear their own expenses. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

**A110753 – In re Alex W., a Person Coming Under the Juvenile Court Law. The People v. Alex W.**

The judgment of the juvenile court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

Division Two

**A111310 – The People v. Shon Jonathon Yates.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

**A112916 – The People v. Mark A. Matteri.**

There is no reason to question appellant's mental competence to participate in the proceedings and enter his plea. There was no sentencing error. There are no legal issues that require further briefing. The judgment and sentence imposed are affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

Division Four

**A110200 – Hanson-Briggs Law Group v. Lincoln D. Finley, Jr.**

**A110263 – Raymond Cote v. LaTonya Finley.**

**A110270 – Raymond Cote v. Lincoln D. Finley, Jr.**

The trial court's orders are affirmed. Sepulveda, J. We Concur: Ruvoilo, P.J., Rivera, J. (Not for Publication)

**A109991 – The People v. Margarito Martinez Delgado.**

The judgment of conviction is affirmed. The case is remanded for sentencing under the law as it pertained to defendant as of January 3, 1993. Ruvoilo, P.J. We Concur: Sepulveda, J., Rivera, J. (Certified for Publication)

Wednesday, June 28, 2006

Division One

**A110154 – The People v. Daniel DiMatteo.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

**A107520 – The People v. Ron Freeman.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

**A102007 – The People v. David Silva.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

Division Three

**A109797 – Kyung S. Hwang v. Bank of America, N.A.**

The judgment is affirmed. Siggins, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication)

**A108492 – The People v. Zameer Riaz Azam.**

The judgment is affirmed. Siggins, J. We Concur: Parrilli, Acting P.J., Pollak, J. (Not for Publication)

**A106798 – The People v. Kenneth Parnell.**

The judgment is modified to reduce the amount of the restitution and parole revocation fines to \$10,000 each. In all other respects the judgment is affirmed. Siggins, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication)

Division Four

**A112262 – Auburn Hatcher et al., v. Ford Motor Company et al.**

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

Wednesday, June 28, 2006 (continued)

Division Five

**A107718 – Catherine Powell, Individually and as Administrator, etc. v. The Superior Court of Alameda County; roger Powell, R.P.I.**

The appeals are dismissed. The petitions for writs of extraordinary review are denied. Husband's motion to dismiss is denied. Husband shall recover costs. Gemello, J. We Concur: Jones, P.J., Reardon, J. \* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, June 29, 2006

Division One

**A107450 – The People v. Spencer Wade Stromberg.**

**A112282 – In re Spencer Wade Stromberg, on Habeas Corpus.**

The judgment is affirmed. The petition for writ of habeas corpus is denied. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

**A110604 – The People v. Alejandro Rodriguez.**

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication)

Division Two

**A112081 – In re the Marriage of Monica Ellen Rizzo and Roger D. Rizzo. Monica Ellen Rizzo v. Roger D. Rizzo.**

The August 23, 2005 order is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

Thursday, June 29, 2006 (continued)

Division Three

**A107076 – The People v. Antonio Scott.**

By the Court: The petition for rehearing is denied. McGuiness, P.J.

**A112721 – In re Kalei, T., et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Social Services Department v. Maurico T.**

**A113225 – In re Kenja H., et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Social Services Department v. Star M.**

By the Court: Respondent's motion to consolidate appeal numbers A112721 and A113225, and to delay the briefing schedule is granted. The appeals shall be consolidated for purposes of briefing, oral argument, if any, and decision. Both appeal numbers shall appear on all documents filed in this court. Respondent's combined brief is due on or before July 10, 2006. McGuiness, P.J.

**A111973 – The People v. Joseph White.**

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

**A110767 – In re Chevelle M. et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health and Human Services v. Lori M.**

The appeal is dismissed with respect to Chevelle M. The juvenile court's dispositional order is affirmed with respect to Marshall R. McGuiness, P.J. We Concur: Parrilli, J., Siggins, J. (Not for Publication)

**A108556 – Kevin Johnson v. Lawrence Berkeley Laboratory et al.**

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Division Four

**A111196 – The People v. Rork Donnell Parker.**

The judgment and sentence are affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

**A104363 – The People v. John Moses Schoppe-Rico.**

The judgment is modified to provide that appellant's determinate sentence shall be served concurrently with his indeterminate sentence, and the trial court is directed to correct the record accordingly. Except as so modified, the judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Certified for Partial Publication)

Thursday, June 29, 2006 (continued)

Division Five

**A112876 – The People v. Dana Lamar Brown.**

There are no arguable issues. The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Reardon, J.\* (Not for Publication)

**A112264 – Celestine Hardy v. Dorothy Elliott et al.**

The order denying the motions to strike is reversed. The trial court is ordered to enter a new order granting the motions. In addition, the court shall conduct further proceedings to determine the amount of attorney fees and costs to which appellants shall be entitled. (Code Civ. Proc., § 425.16, subd. (c).) Jones, P.J. We Concur: Simons, J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, June 30, 2006

Division One

**A111194 – In re Emmett W. et al., Persons Coming Under the Juvenile Court Law. Mendocino County Department of Social Services v. Stephanie P.**

The order of the juvenile court is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

Division Two

**A109477 – Daniel Peter Levin v. Janie Lee Ligon et al.**

The judgment is affirmed. Levin is to pay the costs of appeal. Lambden, J. We Concur: Kline, P.J., Richman, J. (Certified for Publication)

**A110673 – In re Jonathan S., a Person Coming Under the Juvenile Court Law. The People v. Jonathan S.**

The matter must be remanded for the court to comply with Welfare and Institutions Code section 702. If, upon remand, the court declares the vandalism offense to be a misdemeanor, the court shall recalculate the maximum term of imprisonment under Welfare and Institutions Code section 726. In all other respects, the judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication)

**A108942 – The People v. Edwin F. Valencia.**

By the Court: It is ordered that the opinion filed herein on June 22, 2006 be modified as follows: (See Order) Haerle, Acting P.J. (Not for Publication)

**A113916 – Yarway Corporation v. Insurance Company of North America.**

We conclude that INA's motion to dismiss is therefore well-taken, and Yarway's purported appeal is dismissed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)



Friday, June 30, 2006 (continued)

Division Three

**A111370 – In re Halley M., a Person Coming Under the Juvenile Court Law. Contra Costa County, Bureau of Children and Family Services v. Joyce M.**

The juvenile court's order is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Siggins, J. (Not for Publication)

**A109653 – Margaret A. Seltzer v. Eugene Burger Management Corporation et al.**

The trial court's order is affirmed. Seltzer shall pay costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication)

**A112138 – In re Jasmine T., et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Julie T.**

The appeal is dismissed. Parrilli, J. We Concur: McGuiness, P.J., Siggins, J. (Not for Publication)

Division Four

**A110096 – The People v. Lawrence Reed, Jr., et al.**

The trial court is ordered to modify each judgment to strike the count 16 conviction for receiving stolen property as to each appellant. In Reed's case, the modified judgment shall also be amended to reflect that the enhancements related to the false imprisonment convictions in counts 11 and 12 were found pursuant to subdivision (a) rather than subdivision (b) of section 12022.5. In all other respects, the judgments are affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

**A111430 – The People v. Rudy William Wyatt.**

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

**A110100 – Joseph Reiter v. Andrew Musaelian; John G. Warner, Objector and Appellant.**

The order under appeal is reversed to the extent that it requires Warner to pay \$21,000 in sanctions on appeal to Reiter. The parties shall bear their own costs on appeal. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

Friday, June 30, 2006 (continued)

Division Five

**A109512 – The People v. Keir Anthony Wells.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Reardon, J.\* (Not for Publication)

**A109938 – The People v. Emmett Fitzgerald Thrower.**

The judgment is affirmed. Simons, J. We concur: Jones, P.J., Gemello, J. (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.